

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN BERARDI, }
Petitioner, }
v. } Civil Action No. 09-137 Erie
FRANCISCO J. QUINTANA, }
Respondent. }

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on June 11, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 6], filed on July 20, 2009, recommended that Petitioner's Request for Temporary and Permanent Injunction [Doc. No. 2] be denied. The parties were allowed ten (10) days from the date of service to file objections and service was made on Petitioner by certified mail and on Respondent. Objections were filed by Petitioner on August 3, 2009 [Doc. No. 9]. After de novo review of the motion and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 6th day of August, 2009;

IT IS HEREBY ORDERED that the Petitioner's Request for Temporary and Permanent Injunction [Doc. No. 2] is DENIED.

The Report and Recommendation [Doc. No. 6] of Magistrate Judge Baxter, filed on July 20, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge